

## **REMARKS/ARGUMENTS**

### **I. Status Of The Application**

Previously, claims 1-21 stood rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of US Patent No. 6,065,002 to Knotts et al. (hereinafter “Knotts”) and US Patent No. 5,566,330 to Sheffield (hereinafter “Sheffield”). A request for continued examination was filed March 21, 2005, and, thereafter, a preliminary amendment was filed April 11, 2005. The preliminary amendment cancelled claims 1-21 and introduced new claims 22-41.

An Office Action mailed June 17, 2005 rejected claims 22-41 under § 103(a) as unpatentable over the combination of Knotts and Sheffield. The Office Action also rejected claims 22 and 32 under the doctrine of non-statutory double patenting. In this amendment, claim 29 has been cancelled, claims 22, 27, 28, 32 and 37-39 have been amended, and new claims 42-45 have been added. Hence, after entry of this amendment, claims 22-28 and 30-45 stand pending for examination.

### **II. Claim Amendments**

This amendment amends claims 22, 27, 28, 32 and 37-39 and adds new claims 42-45.

Claim 22 has been amended to recite “at least one database subsystem configured to provide access for the batch application to a database comprising data to be used by the batch application” and to recite that the specification server subsystem is “separate from the at least one database subsystem.” Claim 32 has been amended to recite that “executing the batch application comprises interacting with at least one database server via a database subsystem, and wherein the at least one database is separate from the specification server subsystem.” Support for these amendments can be found throughout the application including, in particular, at, inter alia, Fig. 2 and paragraphs 0110-0112.

Claims 27, 28, 37 and 38 have been amended to include the term “middleware” when reciting the input and output subsystems. Support for these amendments can be found in the application at, inter alia, Fig. 2.

Claim 29 has been cancelled because the elements recited by claim 29 have been substantially incorporated into independent claim 22.

Claim 39 has been amended to indicate that antecedent basis for the term “database subsystem” now can be found in independent claim 32.

New claim 42 recites that “the processing system comprises a first processing system executing on the first computer and a second processing system executing on a server computer,” while new claim 43 recites that “a user is provided an option to choose whether the batch application should execute on the first processing system or on the second processing system.” New claim 44 recites that “the second computer is a server computer” and “allowing a user to select whether the batch application should execute on the first computer or on the second computer.” Support for these new claims can be found in the application at, inter alia, Fig. 2 (illustrating processing subsystem 211 on the client computer 111 and processing subsystem 218 on server computer 121) and paragraphs 0098-0099.

New claim 45 recites that “the middleware output subsystem is configured to route an output data stream to one of a plurality of output devices and convert the data stream to a format suitable thereto.” Support for claim 45 can be found in the application at, inter alia, claim 15 of the parent application (US Patent Application No. 08/743,201), as it was originally filed.

### **III. Double Patenting Rejection**

Claims 22 and 32 were rejected under the doctrine of non-statutory double patenting as unpatentable over claims 1-4 of US Patent No. 6,801,926 (hereinafter, the “926 patent”) (which issued from the parent of the present application). It is believed that claims 22

and 32, as amended, are patentably distinct from claims 1-4 of the '926 patent. For example, claim 22 recites "at least one database subsystem configured to provide access for the batch application to a database comprising data to be used by the batch application" and that "the specification server subsystem is "separate from the at least one database subsystem." Similarly, claim 32 recites that "executing the batch application comprises interacting with at least one database server via a database subsystem, and wherein the at least one database is separate from the specification server subsystem." None of these features are recited by the claims of the '926 patent. Accordingly, the Examiner's reconsideration of the double patenting rejection in light of the new claims would be appreciated.

#### **IV. Rejections Under 37 U.S.C. § 103(a)**

Claims 22-41 were rejected as unpatentable over the combination of Knotts and Sheffield. Independent claims 22 and 32 have been amended, and it is believed that the amended claims are allowable over the cited references. Hence, reconsideration of the claims would be appreciated.

As amended, claim 22 recites "at least one database subsystem configured to provide access for the batch application to a database comprising data to be used by the batch application" and "a specification server subsystem separate from the at least one database subsystem and configured to store the first specifications." Knotts neither teaches nor suggests a specification server subsystem separate from a database subsystem. Indeed, Knotts fails to teach any structural component other than the client (on which the application runs) and the database server.

Indeed, Knotts expressly teaches "a simplification layer that can be stored together with the relational data of a database 28." (Knotts, column 5, lines 45-47.) In fact, Knotts describes the advantages of storing the simplification layer (and, specifically, templates) within the database itself: "[t]he template and the functions of the simplified data access layer can be provided as stored database objects which encapsulate the semantics of the database,

thereby isolating the complexity necessary to access the data.” (Knotts, column 8, lines 64-67.) Hence, Knotts, rather than teaching the elements of claim 22, actually teaches away from a specification server subsystem separate from a database subsystem, because Knotts teaches the advantages of storing the templates and other portions of the simplification layer in the database. These purported advantages would be lost if Knotts were modified to store its templates at a separate server, as recited by claim 22.

Hence, even if Sheffield (or any other reference) did teach storing specifications at a specification server subsystem, that teaching could not be combined with Knotts to form a prima facie case of obviousness under § 103(a). In any event, Sheffield does not teach this element.

For at least these reasons, claim 22 is believed to be allowable over the cited combination of Knotts and Sheffield. For at least similar reasons, claim 32 is believed to be allowable, as well. Further, it is noted that Knotts, because it teaches away from the elements of claims 22 and 32, permissibly could not be combined with any other reference to form a prima facie case of obviousness with respect to either claim 22 or claim 32.

Dependent claims 23-28, 30, 31 and 33-45 each depend, either directly or indirectly, from one of claims 22 and 32. The dependent claims are believed to be allowable at least because they depend from allowable base claims. In addition, the dependent claims each recite additional novel features that render them independently allowable.

Merely by way of example, new claim 42 recites that “the processing system comprises a first processing system executing on the first computer and a second processing system executing on a server computer.” Claim 43 recites that “a user is provided an option to choose whether the batch application should execute on the first processing system or on the second processing system.” Neither Knotts nor Sheffield disclose any of these elements. Hence, these claims are allowable for at least these additional reasons. Similarly, claim 44 is believed to be allowable.

As another example, claims 27 and 37 recite “a middleware input system,” and claims 28 and 38 recite “a middleware output system.” In rejecting a prior version of these claims, the Office Action asserts that “Knotts teaches input/output subsystems for the batch application” and cites Fig. 1, ## 22, 26 and 38). Respectfully, the Applicants assert that nothing in Knotts teaches a middleware input subsystem or output subsystem, as those terms are used in the claims. Knotts teaches only an input device (#22) and a display (#36) and printer (#38) connected to a client computer (#20). Knotts is silent on how those hardware devices interact with the remainder of Knotts’ system. Because, however, Knotts utilizes an application program (such as Microsoft Access or Lotus 1-2-3, see column 4, lines 60-61) to interface (via the interface module #24) with a database, it is reasonable to assume only that the application program itself interfaces with these input/output devices (e.g., via operating system calls), not that any undisclosed middleware subsystem provides such an interface. Hence, claims 27, 28, 37 and 38 are believed to be allowable for at least this additional reason.

A fortiori, claim 45, which depends from claim 29, is allowable. Claim 45 recites that “the middleware output subsystem is configured to route an output data stream to one of a plurality of output devices and convert the data stream to a format suitable thereto.” Neither Knotts nor Sheffield teach or suggest the additional elements of claim 45.

Hence, for at least the foregoing reasons, independent claims 22 and 32, and dependent claims 23-28, 30, 31 and 33-45, are believed to be allowable over the cited references.

## **V. Conclusion**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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Amendment dated September 19, 2005  
Reply to Office Action of June 17, 2005

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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